

REMARKS

In the Office Action of May 29, 2009, claims 1-23 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement with respect to the limitation of “*wherein each of the transmission start moments is defined only by a common selectable discrete time period and a number of waiting time periods from the carrier signal end moment.*” Claim 5 was further rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement with respect to the limitation of “*the duration of the inventory command being shorter than the duration of the transmission of the carrier signal.*” In addition, claims 1-4, 6-20, 22 and 23 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent Number 7,187,692 B1 (“Ooya et al.”). Furthermore, claims 5 and 21 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ooya et al.

With respect to the Section 112, first paragraph, rejections of claims 1-23, Applicants have amended claims 1, 8, 12 and 16 by removing the term “*only*” from the limitation of “*wherein each of the transmission start moments is defined only by a common selectable discrete time period and a number of waiting time periods from the carrier signal end moment*” to further the prosecution of the application. Similarly, Applicants have amended claim 5 by removing the limitation of “*the duration of the inventory command being shorter than the duration of the transmission of the carrier signal*” to further the prosecution of the application. Claim 21 has been amended in a similar manner as claim 5. These claim amendments are made without admitting to the validity of the Section 112, first paragraph, rejections. In view of these claim amendments, Applicants respectfully request that the Section 112, first paragraph, rejections of claims 1-23.

With respect to the Section 102 and 103 rejections of claims 1-23, Applicants have amended the independent claims 1, 8, 12 and 16 to more clearly distinguish the claimed invention from the cited reference of Ooya et al. by adding limitations similar to the limitations of claim 2, which has now been canceled. As amended, the

independent claim 1 now recites the limitations of “*wherein each data carrier is configured to test, before generating its response signal, whether another data carrier is transmitting its response signal and wherein each data carrier does not generate its response signal if another data carrier is already transmitting its response signal,*” which are not disclosed in the cited reference of Ooya et al. Claims 8, 12 and 16 have been similarly amended. As amended, Applicants respectfully assert that the independent claims 1, 8, 12 and 16 are not anticipated by the cited reference of Ooya et al., as explained below. In view of the amendments to the claims and the following remarks, Applicants respectfully request the allowance of the pending claims 1 and 3-23.

I. Patentability of Amended Independent Claims 1, 8, 12 and 16

As amended, the independent claim 1 recites “*wherein each data carrier is configured to test, before generating its response signal, whether another data carrier is transmitting its response signal and wherein each data carrier does not generate its response signal if another data carrier is already transmitting its response signal,*” which are not disclosed in the cited reference of Ooya et al. Thus, the amended independent claim 1 is not anticipated by the cited reference of Ooya et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As correctly noted on page 7 of the Office Action, the cited reference of Ooya et al. discloses that a slave station refrains “from transmission if other slave station is transmitting; see col. 4, lines 51-67.” However, Ooya et al. does not disclose that a slave station performs a test, before generating its response signal, to determine whether another slave station is transmitting and that the slave station does not generate its response signal if another slave station is already transmitting.

In column 4, lines 19-26, Ooya et al. explains that “[t]he control 202 performs various processes including a process for writing/reading data on/from the nonvolatile memory 205, based on commands and data transmitted from the master station 101, and generates a response signal to the master station 101” and that “[t]he generated response signal is modulated by the modulation unit 203 by the BPSK modulation method or the like and transmitted to the master station 101 via the antenna 209.” Ooya et al. then proceeds to explain how the transmission of the response signal to the master station 101 is time delayed using time slot numbers and time delay numbers, including the process of refraining from transmitting the response signal if another slave station is already transmitting a response signal. However, Ooya et al. does not disclose performing a test, before generating the response signal, to determine whether another slave station is already transmitting a response signal and not generating the response signal if another slave station is already transmitting. Thus, Ooya et al. fails to disclose or teach the limitations of “*wherein each data carrier is configured to test, before generating its response signal, whether another data carrier is transmitting its response signal and wherein each data carrier does not generate its response signal if another data carrier is already transmitting its response signal,*” as recited in the amended independent claim 1. Therefore, the amended independent claim 1 is not anticipated by the cited reference of Ooya et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

The above remarks are also applicable to the amended independent claims 8, 12 and 16, which recite limitations similar to the limitations of the amended independent claim 1. Thus, Applicants respectfully assert that the amended independent claims 8, 12 and 16 are also not anticipated by the cited reference of Ooya et al., and request that the amended independent claims 8, 12 and 16 be allowed as well.

II. Patentability of Dependent Claims 3-7, 9-11, 13-15 and 17-23

Each of the dependent claims 3-7, 9-11, 13-15 and 17-23 depends on one of the amended independent claims 1, 8, 12 and 16. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for the same reasons as their

respective base claims. Furthermore, the dependent claims may be allowable for additional reasons.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted on behalf of:

NXP N.V.

Date: September 12, 2010

By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300